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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,471

10/24/2003

Seiji Iida

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COWAN LIEBOWITZ & LATMAN P.C.  
JOHN J TORRENTE  
1133 AVE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER

SELBY, GEVELL V

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

08/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/693,471

Applicant(s)

IIDA, SEIJI

Examiner

Gevell Selby

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/22/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/22/07 have been fully considered but they are not persuasive. The applicant submits the prior art does not disclose the following limitations of the claimed invention:

wherein one or two members selected from the group consisting of the stop blade, the optical filter and the shutter blade is/are arranged at one end side of the lens holding member and the other member selected from the group is arranged at the other end side of the lens holding member, as stated in claims 1 and 5. The Examiner Respectfully disagrees.

#### **Examiner's Reply:**

Re claims 1 and 5) The Oochi reference discloses a lens apparatus wherein the optical filter (see figure 2, element 33) which is one member selected from the group consisting of the stop blade, the optical filter and the shutter blade is arranged at one end side, the rear end side, of the lens holding member and the other member, stop blade (see figure 2, element 34) or the shutter blade (see figure 2, element 35), selected from the group is arranged at the other end side, the front end side, of the lens holding member (see figure 2).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 1, 5, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Oochi et al., US 2005/0179779.**

In regard to claim 1, Oochi et al., US 2005/0179779, discloses a lens apparatus comprising:

a lens (see figure 2, element 31);

a stop blade (see figure 2, element 34) which is adapted to change an area of a light-passing aperture (see para. 41);

an optical filter (see figure 2, element 33) which inserts and removes with respect to a region opposed to the light-passing aperture (see para 40); and

a shutter blade (see figure 2, element 35) which is adapted to open and close the light-passing aperture (see para. 42); and

a lens holding member (see figure 2, element 11) which holds the lens, the stop blade, the optical filter, and the shutter blade (see para. 37);

wherein the optical filter (see figure 2, element 33) which is one member selected from the group consisting of the stop blade, the optical filter and the shutter blade is arranged at one end side, the rear end side, of the lens holding member and the other member, stop blade (see figure 2, element 34) or the shutter blade (see figure 2, element 35), selected from the group is arranged at the other end side, the front end side, of the lens holding member (see figure 2).

In regard to claim 5, Oochi et al., US 2005/0179779, discloses a camera comprising:

- a lens (see figure 2, element 31);

- a stop blade (see figure 2, element 34) which is adapted to change an area of a light-passing aperture (see para. 41);

- an optical filter (see figure 2, element 33) which inserts and removes with respect to a region opposed to the light-passing aperture (see para 40); and

- a shutter blade (see figure 2, element 35) which is adapted to open and close the light-passing aperture (see para. 42),

- a lens holding member (see figure 2, element 11) which holds the lens, the stop blade, the optical filter, and the shutter blade (see para. 37);

- an image pickup element (see figure 2, element 12) which photoelectrically converts an object image formed by the lens into an electric signal (see para. 24),

- wherein the optical filter (see figure 2, element 33) which is one member selected from the group consisting of the stop blade, the optical filter and the shutter blade is arranged at one end side, the rear end side, of the lens holding member and the other member, stop blade (see figure 2, element 34) or the shutter blade (see figure 2, element 35), selected from the group is arranged at the other end side, the front end side, of the lens holding member (see figure 2).

In regard to claim 9, Oochi et al., US 2005/0179779, discloses a camera system comprising:

the lens apparatus according to claim 1 (see the explanation regarding claim 1 above); and

a camera (see figure 2, element 1) comprising an image pickup element (see figure 2, element 12) which photoelectrically converts an object image formed by lens in the lens apparatus into an electric signal (see para. 24).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oochi et al., US 2005/0179779, in view of Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969) and In re Japikse, 86 USPQ 70 (CCPA 1950).**

In regard to claims 2 and 6, Oochi et al., US 2005/0179779, discloses the lens apparatus and camera according to claims 1 and 5, respectively, further comprising:

a stop driving unit (see figure 2, element 44) which drives the stop blade;

a filter driving unit (see figure 2, element 43) which drives the optical filter; and

a shutter driving unit (see figure 2, element 45) which drives the shutter blade.

The Oochi reference does not disclose wherein the stop driving unit, the filter driving unit and the shutter driving unit are arranged on outside of the lens holding member and between one member arranged at one end side of the lens holding member and the other member arranged at the other end side of the lens holding member.

It would have been obvious to one having ordinary skill in the art to separately arranged the stop driving unit, the filter driving unit and the shutter driving unit outside of the lens holding member and move them between one member and the other member, since it has been held to be within the general skill of a worker in the art to make parts separate as well as to shift the location of parts as a matter of obvious engineering choice. *Nerwin v. Erlichman*, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969) and *In re Japikse*, 86 USPQ 70 (CCPA 1950).

In regard to claims 3 and 7, Oochi et al., US 2005/0179779 discloses the lens apparatus and camera according to claims 2 and 6, wherein it is implied by the modified Oochi reference that the stop driving unit, the filter driving unit and the shutter driving unit are arranged in the circumferential direction of the lens holding member, since they are now on the outside of the lens holder 11 (see figure 2).

**6. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oochi et al., US 2005/0179779 in view of Yamada et al., US 6,753,911.**

In regard to claims 4 and 8, Oochi et al., US 2005/0179779, discloses the lens apparatus and camera according to claims 1 and 5, respectively. The Oochi reference does not disclose further comprising: a first member which rotates around an optical axis and transmits a driving power to the lens holding member; and a second member which

includes a first engaging portion to guide the lens holding member in the direction of the optical axis, wherein the lens holding member includes a second engaging portion which extends in the direction of the optical axis and engages with the first engaging portion.

Yamada et al., US 6,753,911, discloses a zoom lens barrel and camera comprising:

a first member (see figure 1, element 41) which rotates around an optical axis and transmits a driving power to the lens holding member (see column 8, lines 12-37); and

a second member (see figure 1, element 51) which includes a first engaging portion (see figure 1, element 52) to guide the lens holding member in the direction of the optical axis (see column 8, lines 37-41),

wherein the lens holding member (see figure 1, element 81) includes a second engaging portion (see figure 1, element 60) which extends in the direction of the optical axis and engages with the first engaging portion (see column 8, lines 53-57).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Oochi et al., US 2005/0179779 in view of Yamada et al., US 6,753,911, to have a first member which rotates around an optical axis and transmits a driving power to the lens holding member; and a second member which includes a first engaging portion to guide the lens holding member in the direction of the optical axis, wherein the lens holding member includes a second engaging portion which extends in the direction of the optical axis and engages with the first engaging portion, in



order to provide a zoom lens barrel which can easily be applied to a camera excellent in portability, by making a zoom lens which can cause a camera to be large in size, to be accommodated easily in the camera's main body, providing a more compact storage.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



LIN YE  
SUPERVISORY PATENT EXAMINER